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The Alledger

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# ALLEDGER

Vol. V, No. 2

BOSTON COLLEGE LAW SCHOOL

FEBRUARY 13-FEBRUARY 26, 1985

## Mark Brodin to Join BCLS Faculty

By Karin Bergener

*Mark Brodin Joins Faculty*

Mark Brodin, visiting civil procedure professor in '83-'84, will join the BCLS faculty in Fall '85. Brodin, now at New England School of Law, is "delighted to return to BCLS full-time."

The feeling at BCLS is mutual. Students and faculty cite Brodin's openness, honesty, excellent scholarship, and thoughtful communication as reasons to welcome him as a professor and colleague.

In spring '84, Brodin's students took up an almost unanimous petition to request that he be hired. Such a petition had not happened since Zygmunt Plate's visiting professorship. The administration stuck to its policy of not hiring people during their visiting professorships and its agreement with New England School of Law to not hire Brodin away unfairly.

Fortunately, the courtship continued. This year Brodin was considered by the Faculty Appointments Committee along with other candidates. Students again wrote a strong letter supporting Brodin's candidacy. While student opinion of a candidate does not determine who is not hired, the strong student support Brodin received was noticed and weighed by faculty members. With two positions open for '85-'86, the faculty voted to recommend that one be offered to Brodin. A formal offer was made to Brodin by the Boston College Administration and Brodin accepted quickly.

Previously, Brodin has worked in public interest law as an active litigator for the Boston



Prof. Mark Brodin

Bar Association's Committee for Civil Rights Under the Law. He has written in the areas of federal jurisdiction and procedure. Brodin's legal analysis reflects his civil rights background, concerning itself with the laws effect on the distribution of resources in our society.

Once here, Brodin will work in various areas. He will teach evidence and is expected to teach a first year course, either torts, civil procedure, or litigation process. When interviewed, Brodin spoke energetically about a criminal procedure he is planning with Robert Blook of BCLS. It will attempt a bridge between criminal and civil procedure, focusing on the significance of facts instead of legal rules. Brodin would also like to teach federal courts, but that will not happen soon. Students have in the past petitioned for a course in civil rights litigation and were turned down because there was no faculty member to teach it. With Brodin on the faculty that may also be possible.

## Budget Cuts Target Student Aid Programs

by Tina Byrnes

For many students, particularly those in graduate and professional schools, the semi-annual rite of filling out loan forms is as much a part of a new semester as course registration, drop-add, and perennial resolutions to get organized and do better. Maybe that's part of the problem. To quote the *New York Times* mouthpiece the Reagan Administration's line on student loans, "a shotgun approach has indiscriminately sprayed assistance at students regardless of income for almost any conceivable type of education." The tone bespeaks a desperate concern that the funding available for student loans is being spent, not on, well, you know, *worthwhile* educational endeavors, but, rather, questionable and perhaps even frivolous scholarly pursuits. Tone aside, and of far greater substantive concern, is the fact that this statement prefaces the Administration's introduction of its 1986 budget figures for Student Aid. They took no prisoners this year.

Describing its proposals as "designed to stem budget hemorrhage", the budget calls for a \$4,000 year cap on all subsidized grant and loan aid per student. That's less than half what one year at BCLS costs, and, as we all know, that doesn't even count parking tickets, Cafe Stuart coffee, M&M cookies and Casenote Legal briefs. Further recommendations include a \$25,000 income eligibility cap for Pell grants, work-study subsidies and direct loans (NDSLs). Finally, and perhaps the proposal likely to affect the greatest number of graduate and professional students

continued on page 4

## VITA Program Gets Underway at BCLS

By Terry Vetter

The Reagan administration is not alone in working on tax simplification. A group of about 20 Boston College Law Students participated in a Volunteer Income Tax Assistance (VITA) seminar to learn how to prepare federal tax forms 1040A, 1040EZ, and the Massachusetts tax forms.

The program is designed to teach law students and other volunteers the basics of tax preparation. Because VITA assistance is intended to provide tax help for lower income individuals the program focuses on simple tax problems. Persons who have complex tax problems are advised to seek professional help or to consult the IRS and its numerous publications.

After attending the training program potential volunteers must successfully complete sample tax forms based on problems they are likely to encounter. Once the volunteers have passed this test they are certified to participate in the VITA program.

The VITA program at BCLS is sponsored by the student division of the ABA. It is hoped that

**VITA**

is a Volunteer Income Tax Assistance program. Its volunteers may be able to help you to complete your tax return. Check with the IRS for details.

**A PUBLIC SERVICE MESSAGE FROM  
THE INTERNAL REVENUE SERVICE**

the program will start offering assistance on February 15 and run through the April 15 deadline. However, at this time a definite location for the program has not been found. There is a pos-

sibility that the office will be in Watertown. All the volunteer tax assistants are expected to spend a minimum of two hours per week at the center once it is opened.

Students who are preparing their own taxes should have by now received their W-2 forms from their employers and any interest or dividend forms they may need. The government document center at the main Boston Public Library at Copley has most of the federal and state tax forms.

First year and transfer students should check to see if their moving expenses can be deducted. Married students should determine if they qualify for a deduction when both spouses work. Single parents with dependent children might qualify for earned income credit.

Students who are not residents of Massachusetts or who were only residents for part of 1984 and who earned some income in Massachusetts should pay close attention to specific filing requirements found in the state tax instructions. Massachusetts guarantees that if a correct tax form is filed before March 1, the state will issue a refund check within four weeks.

Also, every law student should recognize that student loans are not included in determining income and as of yet there is not a provision for tuition tax credit.



# OPINION / EDITORIAL

Dirk Bullfinch  
< LAW STUDENT >

Dirk Rehearses for a big  
cocktail party . . . . .



## Editorial: Dewey Defeats Truman

Row v. Wade, Roe with a "W," I think we can now relate with the feelings that the editor of the Chicago Tribune had on the day he printed "Dewey defeats Truman." Naturally, the Chicago Tribune's circulation is probably a little greater than the Alledger's, but I'm sure our level of surprise was pretty close to the Tribune's level. Our initial reaction was to inflict serious bodily harm on our printer. This reaction was followed by the irrational thinking that close to 250 people may not recognize our mistake because the IL's have not read the case yet. This was followed by realistic awakening that the only thing to do was take a few days of ridicule, until the whole thing died down. Though, we must admit that the form of ridicule in some instances was rather creative, i.e. "Did you guys mean that the waters of abortion ran so deep that it's easier to row than wade?" Yet, if we see one more person imitating the Yale Crew we will probably be ill.

First, we at the Alledger are all aware that petitioners name in the famous abortion case is spelled R-O-E not R-O-W, and when sent to the printer it was spelled R-O-E. Next I must admit that as editor in chief, responsibility for such a mistake rests with ourselves. We would like to take this opportunity to apologize to Terry Vetter who wrote the fine piece on Roe v. Wade, for the error that appeared in the headline.

Finally I would like to say that the headline was in no way intended to be a pun concerning abortion and birthdays. The headline was merely taking note of the case's anniversary. It was not intended to raise anyone's ire, nor was it intended to have a double meaning.

In summary, we can only say that the Alledger staff will do our utmost to keep the errors that appear in the newspaper to a minimum.

K.A.V.

## ALLEDGER

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## Consenting Adults Raises Issue of Gay Support at BCLS

The other day I joined a group of BC law students for lunch. The topic of conversation was relationships. Do First Years have any time or energy to explore such things? Have second and third years finally given up on fellow classmates? When do we start looking up old flames from college, work, or even high school? Marriage looks — for some of us. Housemates, friendships, lovers, spouses . . . never, always.

Last week one of those "made-for-TV" movies was aired. I missed the commercials so I assumed it was one more portrayal of adultery or something. I was wrong. "Consenting Adults" was about a male college student coming to grips with his homosexuality, and his family's reaction to him after he "comes out" to them.

Following the program, I asked some students what they thought of the movie. Most shrugged and if they had seen the show, viewed it as one more melodrama. However, a few students openly discussed the film, their personal views on it, and their feelings as homosexuals at BC Law School.

Of late many TV shows have at least mentioned homosexuality. "Three's Company" relied on Jack's ability to convince the landlord he was gay. "Soap" re-runs still show Billy Crystal as the only sane person on the program. And, Steve Carrington on "Dynasty" who, as one homosexual described, was "always vacillating because he doesn't know what he wants and married out of convenience simply to fit into society."

"Consenting Adults" depicted an attractive Caucasian male who was a varsity swimmer and pre-med student at the University of Washington. The intolerance the son faced is experienced by gays in just as obvious ways as those

presented on the program. Denial by the mother, played by Marlo Thomas, seemed to strike one gay's experience. According to this view, homosexuality was "unhealthy" and could be "cured". One student told me that telling parents about one's homosexuality is extremely difficult and is a very slow process of honesty and healing. Disappointments, judgments of morality, and suspicions are silently communicated. But, the speaker noted, "at least the family knows." In fact, parents are not as negatively vocal or expressive as many siblings prove to be.

I asked one homosexual whether his parents had seen this movie. "No, but such shows are helpful for the family to see other families cope with the issue." Apparently many parents see homosexuality as another result of academic decadence and negative influence by peers since many gays "come out" during or shortly after college. Most gays, however, see homosexuality as not only a matter of sexual preference but as a very political issue. Whether or not a person explores heterosexual relationships, considers him or herself bisexual, or is sympathetic to the gay rights issue, one BC Law student wanted to stress that society should not force "acceptable" behavior in this area, but should tolerate, if not encourage, "natural exploration." Another person I spoke with emphasized that oppression against any minority should be vigorously fought against. However, the experience of gays as an often oppressed minority is unique because at least for other minorities the oppression can be named and openly addressed. Gays must often remain silent.

Earlier in the year one homosexual noted that BC Law School is unique—eerie even, because of the

deafening silence on homosexuality. Many homosexuals here are, as a result, "silent" or "secretive". One gay student alluded to the absence of any support group for gay law students and that although some of the other student organizations support gay rights, open, active acknowledgment is rare. Many whom I spoke with said that during their undergraduate or working years, it was easier to find other gays . . . not that the general population was more tolerant, rather, the other gays were more open.

Why do gay law students feel that they must be so silent and secretive even while oppressed by intolerance? Some point to the public nature of the legal profession. Most people feel that the Boston law firms' older partners still frown on homosexuality while the younger partners may be more tolerant but not openly supportive. Law school itself seems to be an impersonal experience where few students know about others' personal lives. Many homosexuals look to friends outside of law school, thus relieving pressure which might induce one to share with fellow students.

Most homosexuals would prefer to be totally open but feel that in order to live in this world, it is better to leave such matters to a private sphere. Some worry that BC law students are intolerant and that these attitudes will carry into law firms. In other words, it seems that doors not only are closing, but will continue to close.

But, we began all this with relationships. Most gays feel that it is legitimate to be attracted and have relationships with the opposite sex. The problem for many homosexuals is that their prevalent feelings and political beliefs are objected to by many people. Thus, the public holds back homosexuals in law and in society.

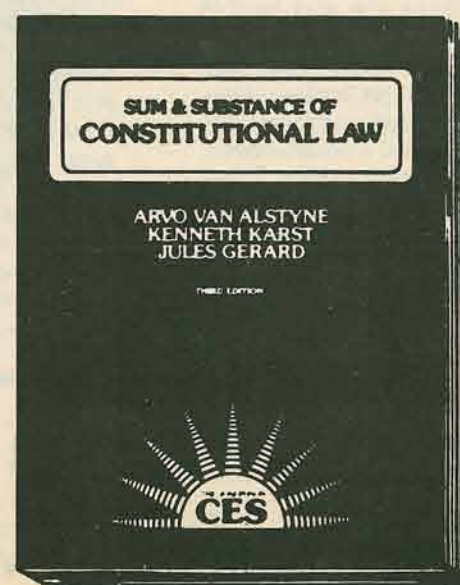


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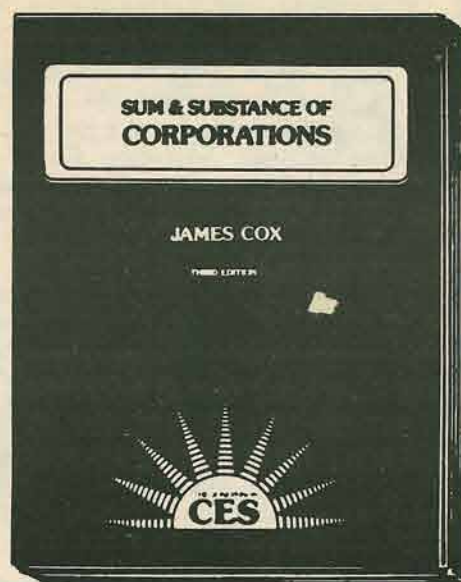
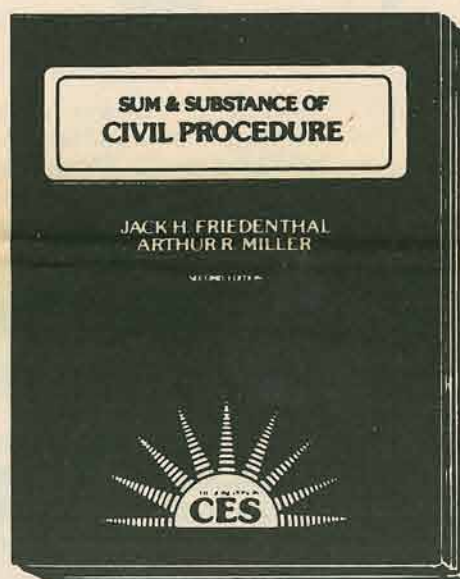
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# LAW SCHOOL FORUM

## Peripheral Vision

By Ruth Kramer Baden

It was 9:10 a.m. on the first day of my summer job. The head of the semi-prestigious law firm, Marbury, Frigalement and Wagonmound walked into my cubicle. "Ms. Baden," she said, "I'd like you to prepare an office memorandum on the Goldilocks case."

"Certainly," I said, straightening my new red string tie, which made a decidedly feminine statement over my three-piece black suit and wing-tipped shoes. "Any special issues you'd like me to address?"

"Well, there's the trespass claim the bears are making against Ms. Locks. She says she was invited over by Papa Bear for a game of lascivious pursuit. You'd better look up the case law on invitees/trespassers in the Primeval forest, because we may file a counterclaim for negligence against them. There were diamonds in the porridge, and she broke all the caps on her front teeth."

"O.K.," I said, gathering up the file. "I'll get right on it."

"And then of course there's the bears' larceny charge. Ms. Locks says she just ate a little porridge and diamonds with skim milk but they've accused her of stealing an antique brooch that they'd hidden in a window frame."

"Well, I know a thing or two about that."

"Good. We're also considering the possibility of suing the bears for libel."

"Libel?" Wow! We were getting into Second Year stuff.

"Yes. Seems that after the incident, the bears called a reporter from the *Grizzly Enquirer*. They printed a story that said Goldilocks ran a vice and oatmeal ring, and she was there trying to make a connection with Baby Bear. Our client says this is absolutely false, and if it isn't false, it ought to be. Just give me all the First Amendment case law from Isaiah to Sharon, and a brief run-down on any current Supreme Court concerns such as ripeness, mootness, and the overturning of all landmark decisions made in the last forty years."

I began to get a little nervous. After all, this was only a summer job. Would I be able to get all the research and writing done by August 1, when classes began again?

"When would you like this?" I asked nonchalantly, while chewing on my string tie.

"In about three hours," she said. She threw a blue book on my desk and left.

Boy, I was really in big trouble. I didn't know how to begin. Here it was, the end of my second year, and I still hadn't "Gotten It". I was supposed to have had it by March of my first year. If not, my professors had told me, I should begin worrying. I had searched diligently - in case books, *Emmanuels*, empty lockers, the snack bar, but it always eluded me. Sometimes I'd come to class thinking I finally had it, only to realize I'd left it in my book bag. And of course, when I opened the book bag, it jumped out, leaving only the faintest suggestion of an indentation and a Heath Bar wrapper, to tell me it had been there at all.

Now, sitting at this desk and staring into the empty book, I was worrying. If they couldn't put a notice up on the bulletin board at Stuart, I wished someone had at least whispered to me what it was. I might have been able to find it

more easily if I'd known what to look for. Was it like jazz - if you have to ask what it is, they can't tell you? I bet if I paid Buddy Rich eight thousand dollars he'd tell me. But wait a minute. Since I'd passed all my exams, I must have gotten it without even realizing what had happened. This was logical. It was analytical thinking. It was also scary. The spirit of Law-erly Thinking had entered me without my awareness. I was a medium for the legal process. If I opened my mouth, all kinds of *res ipsas, judicatas, gestas*, would come popping out in spite of myself. My Flair pen could write *inter alias, supras*, and *arguendos* all by itself, with only my hand to guide it.

Once I realized what had happened to me, I felt a lot better. And I knew that by the end of my third year, if I continued not to resist but just let the process keep taking its course, I'd stop feeling so much. That was such a comforting thought that I buckled right down to the task at hand. I leaned back, closed my eyes, and my Flair pen wrote, "The first issue is whether the Bears were negligent in not telling Goldilocks that there were diamonds in the oatmeal. Assuming, arguendo..."

## Life and Times of a Student Driver: The Bug Part I

By Jean Kim

It began with my difficult times apartment-hunting. Unlike most students who found a place along the T, I could only find a place literally in the opposite direction of Commonwealth

/Student Slum. Of course, the only bus stop towards BCLaw is more than five blocks away. And stops running after 6 p.m. Thus, I needed a car to carry my twenty pound burden of books and to return safely from the library in the evening.

My brother brought up the Beloved VW Bug... been with the family for more than a decade. I loved the Bug. It was cheap to fill the gas tank, easy to park, and made me feel like such a student. Funny thing about Bugs: make people feel like they are real students. And the Newton area was perfect! Such smooth roads - free, spacious, open, deserted - just like Boston.

One rainy Sunday afternoon in October I was driving over a bridge in North Cambridge when my

speedometer went from 45 to 20 m.p.h. ... And it wasn't because my foot was off the gas pedal. Quickly I shifted gears, whispered a prayer of survival, and found myself in a classic bind: yes, I was stuck on a rotary. Luckily, I was not alone: a friend visiting over the weekend had the privilege to wade through the puddles to find some service station, some towing service, anything. It wasn't the battery; the little red light was not lit on the dashboard. Moreover, I could turn the radio on and the engine would begin to start... and sputter out. Two towings, three Good Samaritans, and two service stations later, I ended up with a promise to repair the car at a Mobil Station specializing in foreign car repairs, one uptight friend, and a severe headache. The amazing thing was that the entire experience had only cost me \$50.

NOTE: Massachusetts towing charges begin at \$25 (one service station explained it as a regulatory thing) and often add \$10 for extra

mileage or for work done after 5 p.m.

Lesson 1. Always develop a strategy of calm and humor in such circumstances. Otherwise, you may find yourself arguing with strange people who like to park behind distressed cars.

Beg, borrow or steal but get AAA or a major credit card.

Rules or Procedures in Boston/Cambridge:

1. Boston police like to ignore severe emergencies and traffic congestion, so don't bother to get out in the rain and try to call or signal them.
2. Boston drivers don't believe in hazard lights. So expect traffic to pile up behind you even if there are two other free lanes.
3. It's true: Boston drivers believe even on Sunday that they must get to a destination as fast as possible.
4. There are Good Samaritans in Boston. Do not despair altogether.
5. Never hail cars for help. Just look casual and indifferent. Put on the hazards. And wait.

Otherwise,

6. You become a free-for-all road target.

NEXT: Dealing with garages. Who can you trust?

## Courts Rule on Degrees as Property

by Tina Byrnes

A Delaware Appellate court ruled recently that an educational degree may not be viewed as property in a divorce settlement because a degree is "an intellectual achievement that may potentially assist in the future acquisition of property" as opposed to being attainable by "the mere expenditure of money."

Reversing an earlier decision which had awarded a former spouse \$64,790—or, one sixth the value of her ex-husband's medical degree, the three-member Superior Court panel acknowledged that the woman's employment and financial support during his medical education did warrant some award.

However, rather than base such an award on the value of the degree, the court opted instead to measure it in terms of her contribution. The decision follows a recent one handed down in Colorado declaring that an educational degree is not property, although, as conceded by the Delaware court, the increased earning capacity which such a degree might provide a party may be reviewed in determining alimony.

Budget from page 1

would limit eligibility for Guaranteed Student Loans (GSLs) to students whose family income is less than \$32,500.

Anyone remotely familiar with the budget process knows that the President's budget rarely, if ever, survives the scrutiny and self-interest of Congress. In addition, as has been demonstrated during the last few budget cycles, our President and budget Director's affinity for the domestic side of the federal ledger has, to a large extent, been quelled by a Congress hoping that by some miracle the deficit would subside.

An unfortunate character trait of deficits is that if they don't shrink, the interest required to finance them results in even larger numbers. Which is why the 99th Congress seems more willing to give the Administration's budget a bit more attention than in past years. Of greater concern with respect to student loans is that reducing funding for them can be justified because, after all, students can simply borrow from private, unsubsidized sources. Better make friends with your local banker... Hello 14%.

## Panel to Probe Impact of Warren Court Decision Modifications on Black Community

On Wednesday, February 27, 1985 the Black Law Students Association of Boston College Law School will present a panel of distinguished Federal and State judges to discuss "The Erosion of the Warren Court Decision: A Black Perspective."

The panel will be moderated by the Honorable David S. Nelson, Federal District Court First Circuit - currently President of the Board of Trustees of Boston College.

The judicial panel will discuss landmark Supreme Court decisions in CRIMINAL PROCEDURE, EDUCATION and EMPLOYMENT made under Justice Earl Warren (1953-1968), and

the trend toward modification, or erosion of those decisions effected by the Supreme Court under Chief Justice Warren Burger (1969-present).

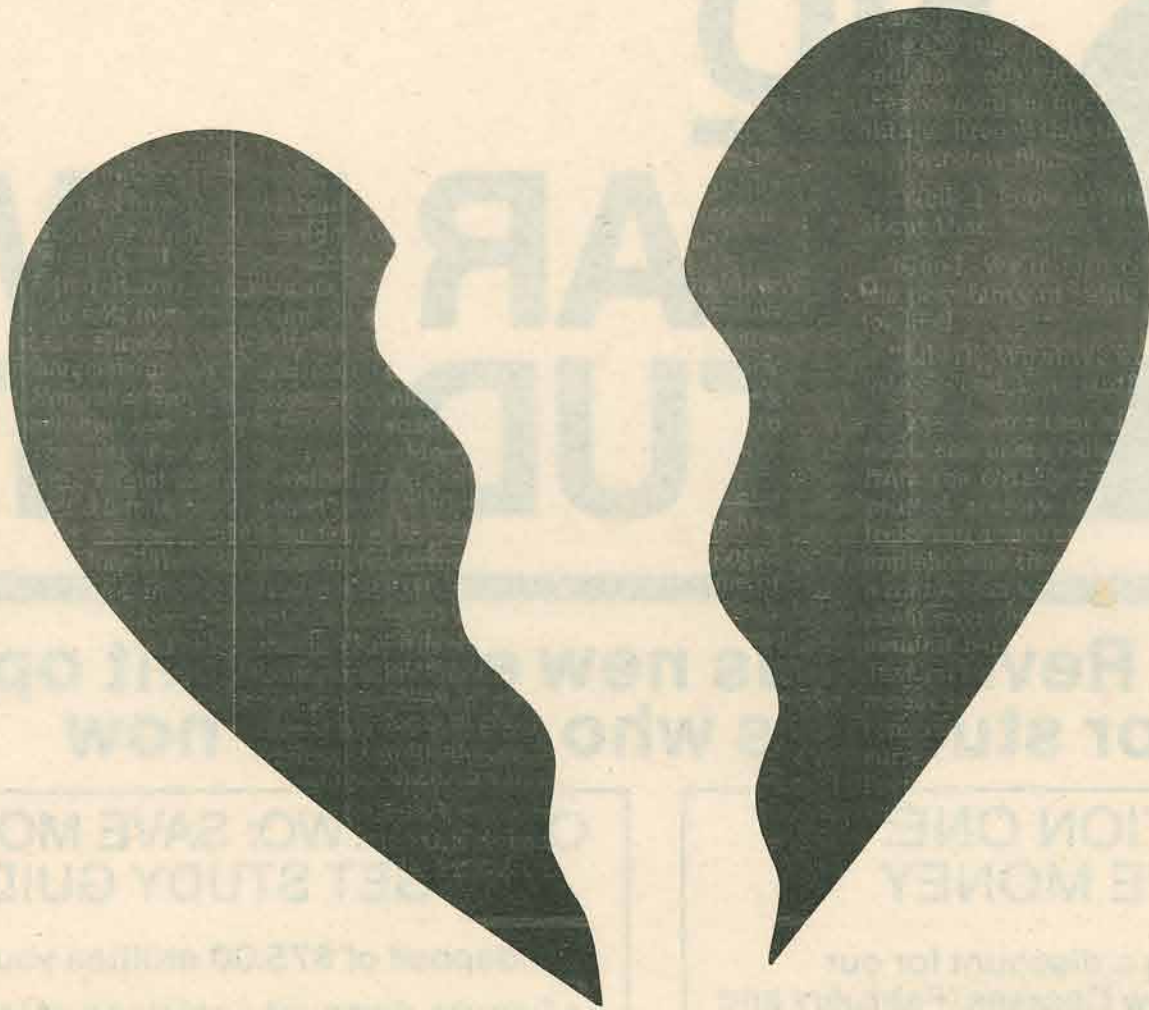
The program will be held at the Boston College Law School campus, 885 Centre Street in Newton, in Barry Auditorium, at 5:45 p.m. The public is welcome; and there is no charge for admission.

Later that evening at 11 p.m. BLSA will sponsor a "Cabaret—featuring Kyle Rose" Admission - \$2.00 Barret House Basement (also on the Law School/Newton campus). Cash bar. All welcome.

For further information contact BLSA: 552-4411.



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## Best Value for Your Entertainment Dollar



New Alledger film critic Juan Acosta consulting colleague's column in the Globe.

By Juan M. Acosta

No snow day yet. Despite the fact the blue Audi, in my driveway is covered with so much of the stuff it looks like the mountainous mound of arctic real estate that did in the Titanic, I still have not heard the words I am longing to hear:

"And all classes are cancelled at The Blaine Hair School in Boston, The Blue Hill Technical Institute in Canton, The Boston Bartenders School, The Boston Children's School (both half-day and full-day classes), Boston College (both the Newton and Chestnut Hill campuses)."

Nonetheless, hope springs eternal, and I will continue to listen to this AM radio station, hoping that between the "Jerry Vale Sings Enzo Stuarti's Greatest Hits" record and the caller from Brockton who wants to thank Doug Flutie for giving Americans something about which to hold their heads high, I will hear the words that will set me free for a day.

I know exactly what I would do if we did have a snow day; I would go to the movies. Call me reckless. Call me impetuous. Call me what you will, but I would like nothing better than to go to a movie and I don't mean a film, going to a film connotes spending two hours in a dark room reading subtitles or worse yet, an eternity of "My Dinner with Andre."

Some of the more enterprising among us (the "fish or cut bait" variety) might spend the day "banging on the Wang" (as obscene as that may sound, Carl Llewellyn, a well-known seminal mind in the law, spent a good part of his adult years in a room on the fifth floor in some law school somewhere doing it.) Yes the more lawyer-like thing to do would be to spend several hours cross-indexing one's Tax I casebook, The Nut-

shell, Chirelstein, The Code, Gilbert's, ones class notes, Hugh Ault's outrageously self-deprecating autobiography, "My World and/or Place of Business and Welcome to It" and selected episodes of "The Dick Van Dyke Show."

None of that for me. I refuse to be a ball-boy to the likes of Profs. McDaniels, Rogers and Fitzgibbons. No, I've got spunk. Besides, I have to think of the health of my colon.

Recently, I saw several movies that had varying appeal to my critical eye (it's usually my pea-brain that leads the rest of me to the seat in the movie theater, but it's my critical eye that has to suffer through the dogs.) The two movies that I will mention had opposite effects on me.

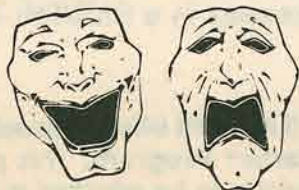
"Protocol", starring Goldie Hawn, was infuriating. Goldie, sweetheart, I love you sweetheart, but how many times can you remake "Sergeant Benjamin?" "Mr. Deeds Goes to Washington" this is not. Roll over Frank Capra.

"The Brother From Another Planet" on the other hand, premiers on my top 100 chart with a bullet and is a sure bet to reach my top ten list with the likes of "Casablanca," "Manhattan, and "It's a Wonderful Life." If you can imagine James Farrell as a black outerspaceman, who cannot speak, but communicates through a twinkle in his eyes or a rakish grin, then you may be able to appreciate "The Brother."

If one is not inclined to go to the movies, but instead prefers to procure one's entertainment from television, then I have good news. NBC recently announced plans to air a pilot for a new series entitled "The Pass." Doug Flutie plays a young Congressman from Buffalo who is accused by Lyndon LaRouche of being a pawn of the Tri-Lateral Commission in its plot to make America worship the clowns at Jack-In-The-Box hamburger restaurants. Menudo guest stars on the first episode.

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Daily: 7:40, 9:20



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## SPORTS

### Motion to Squash on the Winning Track

By Mark Maher

In the men's Intramural Basketball League, the second semester signals the return of the Boston College football team's 2 entries into the basketball competition. It was against the Budmen led by Doug Flutie that Motion to Squash got back on the winning track. Squash pulled off an exciting 58-56 win highlighted by a last minute interception of a Doug Flutie bomb by Pat Dalton. With 3 seconds left in the game and Squash up by 2 points, the Budmen called a time out. Flutie, underneath his own basket, sent his team deep under Squash's basket. There were feelings of Immaculate Reception deja-vu as Doug Flutie cocked his arm to throw. Flutie let it fly deep, but instead of falling into a teammate's hands, a clean interception was made by Pat Dalton as the clock ran out. When asked how it felt to play against Doug Flutie, Squash member Juan Acosta said, "Doug seemed like a nice guy, very sportsmanlike, though he did have a tendency to ask for the score too much while I was keeping it."

In the next game Squash met the second place Krack Attack without the services of their high-scoring and rebounding forward Pat "the hunk" Dalton. Squash played its best game of the season, coming up with a 62-51 win. The reason for the victory was the fine rebounding of Ken Viscarello and Scott "Charles Barkley" Ciampa. However, the real story of the night was the excellent play of Bob Pierce. Pierce, playing by far his best game of the season, got most of his points off the offensive board. Observers on the sidelines noted Pierce to be a different player. One fan commented that Pierce finally realized he's not a guard and moved to play an inside game. With Pierce's newfound propensity to stay inside and play his role, Squash will look to be an important force in the playoffs.

Squash's latest victory was a forfeit over Vintage Wine and brings Squash's record to 8-2. Although the other team did not show, Squash played an inspired pick-up game with point guard David "Feinie" Feinberg playing a stellar game.

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